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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,137	06/05/2001	Naoji Sakamoto	DKT00123	6261

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CHICAGO, IL 60603-3406

EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,137

Applicant(s)

SAKAMOTO ET AL.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 8-10, 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 14-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment filed 04-08-2008, which has been entered.

Claims 1-17 are currently pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 04-08-2003 have been approved by the examiner. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of JP('4046241). Mott discloses a silent chain comprising a plurality links plates (12) each having a pair of tooth parts, a guide link (14) having a pair of pin holes and disposed on the outermost side of the link plates and fixed to linking pins (14) such that the distance from a centerline of the pin hole of the

link plate to the link plate surface is greater than the distance from the centerline of the pin hole (22) to the surface of the guide plate. Mott does not disclose that the silent chain includes a chain guide and the guide link has a crotch in the surface facing the guide link. JP('4046241) discloses a silent chain comprising a chain guide to prevent vibration. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the chain of Mott with a chain guide in view of a JP('4046241) in order to reduce vibration.

Regarding claim 2 , it is apparent from fig. 3, that half the clearance between the pinhole and the pin plus the distance between the centerline of the pin to the upper surface of the guide link is greater lee or equal to the distance between the centerline of the pin to the upper surface of the link plate.

In claim 3, Mott does not disclose that the guide link has a crotch in the surface facing the guide link. JP('4046241) discloses a silent chain comprising a plurality of guide links (3), wherein each guide link has a crotch part facing the chain guide (6) in order to reduce the weight of the chain and increase the flexibility of the chain in the transverse direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the guide link of Mott to include a crotch in view JP('4046241) in order to reduce the weight of the chain and increase the flexibility of the chain in the transverse direction.

In claim 5, it is apparent that shoulder parts of the guide link do not potrude beyond the shoulder of the shoulder parts of the link plate

Regarding claim 13, Mott does not disclose the guide links and the link plates in contact with a chain guide and the surface of the guide link has a plurality of teeth.

JP('4046241) further discloses the guide links (3') and link plate (2) contacting the chain guide (6') and the contacting surface of the guide link (3') has teeth in order to prevent the chain from chattering and minimize lateral movement of the chain. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the chain of Mott to include the limitation of JP('4046241) in order to prevent the chain from chattering and to minimize lateral movement of the chain.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of JP('4046241) as applied to claim 1 and further in view of Matsuda. Mott does not disclose that the link plate has teeth on both sides of the pinhole. Matsuda discloses a silent chain in which the link plates (6) have teeth (61, 61') on both sides of the pin hole (62) for engaging an idler sprocket and for driving multiple sprockets in opposite rotating directions. Therefore, it would have been obvious to one of ordinary skill in the art to further modify the link plates of Mott device to include the link plates of Matsuda for engaging an idler sprocket and for driving multiple sprockets in opposite rotating directions.

Allowable Subject Matter

6. Claims 6, 8-10 and 14-15 are allowed.

7. Claims 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 04-09-2003 have been fully considered but they are not persuasive.

9. Applicant contended that Mott does not disclose nature between the chain guide surface and the guide or links plates and the desirability or need for the guide plate and link plate the contact therebetween. It should be noted that there exist an inherent relationship between guide and links plates and since a guide plate is well by one skilled in the art, it would have been obvious to provide Mott device with a guide.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this the rejection of Mott in view of JP('04-46241) is proper.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Marcus Charles
Primary Examiner
Art Unit 3682
June 25, 2003